

Mayor Nolan offered the following Resolution and moved on its adoption:

R-13-105

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC.
FOR PUBLIC ASSISTANCE SERVICES AS AN “EXTRAORDINARY
UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A. 40A:11-5**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a municipality to award a contract for “Extraordinary Unspecifiable Services” without public advertising for bids; and

WHEREAS, Department of Community Affairs regulations, N.J.A.C. 5:34-2.2 provide that municipalities may award a contract without public bidding when the “expertise, extensive training and proven reputation in the field of endeavor” is “critical and essential to the project;” and

WHEREAS, the Borough has a need for Public Assistance Services as a result of damage caused by Superstorm Sandy; and

WHEREAS, the Borough requires a consultant with expertise and knowledge to provide funding guidance as to which federal aid programs will be relevant to the Borough and to assist in the develop of specific documentation that conform to the requirements for submission to FEMA and other government agencies as a means to recover costs and expenses expended as a result of damage caused by Superstorm Sandy; and

WHEREAS, the Borough requires expert assistance to develop and submit mitigation project applications, facilitate appeals and other applications and to discuss with Borough officials as to certain eligibility and technical requirements and assist in the preparation of Requests for Public Assistance; and

WHEREAS, the Borough requires assistance in defining work eligible for Immediate Needs Funding as well as to document storm damage and the costs associated therewith and to prepare proposed scopes of work necessary to repair storm damage; and

WHEREAS, the Borough would like to develop a mitigation strategy, with the assistance of knowledgeable expert consultant to protect the Borough from future damage as a result of natural disasters; and

WHEREAS, Arcadis US, Inc. (“Arcadis”) provides Public Assistance Services as a consultant to municipal clients following natural disasters since 2001; and

WHEREAS, Arcadis US, Inc. (“Arcadis”) is a 115-year-old environmental engineering and consulting firm which provides Public Assistance Services to municipalities; and

WHEREAS, Arcadis has extensive knowledge of the federal reimbursement programs as well as local and state regulations; and

WHEREAS, Arcadis has provided assistance with FEMA reimbursement and appeals following natural disasters to numerous clients and completed documentation required by governmental agencies for reimbursement of pre- and post-disaster cleanup, which has amounted to their clients receiving over \$1 billion in reimbursement funding; and

WHEREAS, Arcadis was consulted by FEMA and Congress when the Disaster Mitigation Act of 2000 was passed by the federal government and has worked with both local and state government entities with program management, risk and vulnerability assessments, mitigation project identification and prioritization, loss avoidance assessments and loss avoidance methodology development, grant application development and management, as well as hazard mitigation strategy development to help communities strengthen against future storm damage; and

WHEREAS, Arcadis will provide mitigation planning services tailored to the Borough's requirements while performing those services in accordance with FEMA, state and local regulations; and

WHEREAS, Arcadis has supplied reimbursement assistance and other services to local communities after damage caused by Hurricanes Frances, Jeanne, Wilma, Katrina, Rita, Ike, and Irene as well as providing similar services during the aftermaths of tornados and winter storms; and

WHEREAS, the Borough has not previously publicly bid Public Assistance Services or similar services; and

WHEREAS, Arcadis has not previously supplied Public Assistance Services to the Borough; and

WHEREAS, the Borough has determined Public Assistance Services are "Extraordinary Unspecifiable Services" because they require services which are specialized and qualitative in nature and require expertise, extensive training and proven reputation in the field of Public Assistance Services following a natural disaster; and

WHEREAS, Arcadis has expertise, extensive training and a proven reputation in managing disaster recovery operations and assembling documentation and records as required by governmental agencies for pre- and post- disaster relief cleanup as well in writing and securing grants from governmental agencies; and

WHEREAS, the Chief Financial Officer certified funds in the amount of \$128,000.00 are available from the Special Emergency Hurricane Sandy appropriation; and

WHEREAS, Arcadis will perform all necessary services described herein in order to provide Public Assistance Services to the Borough as a result of damage caused by Superstorm Sandy.

NOW, THEREFORE, IT IS RESOLVED by the governing body of the Borough of Highlands, as follows:

1. The Borough approves a contract with Arcadis for Public Assistance Services; and
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$128,000.00 and any other necessary documents with Arcadis for Public Assistance Services; and
3. The Borough Attorney shall review and approve the form of the contract between the Borough and Arcadis.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$128,000.00 are available for the above contract from the Special Emergency Hurricane Sandy Appropriation.

Stephen Pfeffer, CFO

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: May 1, 2013

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-13-105 adopted by the Governing Body of the Borough of Highlands at a meeting held on May 1, 2013.

Borough Clerk/Deputy Clerk